

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

STACEY D. BENFORD,

Defendant.

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Case No. CR-99-66-M

ORDER

On May 19, 1999, defendant Stacey D. Benford was found not guilty only by reason of insanity at the time of the charged offense and was committed to a suitable facility for further evaluation and/or treatment until such time as he may become eligible for release pursuant to 18 U.S.C. § 4243(e). On March 12, 2018, David Paul, Warden at the Federal Medical Center in Rochester, Minnesota, filed a Certificate of Conditional Release, certifying that his staff has determined that defendant has recovered from his mental disease or defect to such an extent that his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another.

Having reviewed all of the evidence presented in the case at bar, the Court FINDS that defendant has shown by clear and convincing evidence that he has recovered from his mental disease to the extent his conditional release under a prescribed regimen of care and treatment would no longer create a substantial risk of bodily injury to another person or serious damage to the property of another. Accordingly, the Court hereby ORDERS,

pursuant to the provision of 18 U. S.C. § 4243(f), that defendant be conditionally released under the following specific conditions or regimen of care:

- 1) Mr. Benford shall remain under the supervision of the United States Probation Office for the Northern District of Oklahoma, for an unspecified term, commencing upon release from confinement and continuing until released by the Court. Mr. Benford shall report to the United States Probation Office, 333 West Fourth Street, Suite 3820, Tulsa, Oklahoma 74103-3819, telephone number 918-699-4800, within 72 hours of his release from the custody of the Bureau of Prisons unless prior arrangements have been made and approved between Mr. Benford and the assigned United States Probation Officer or designee.
- 2) Mr. Benford shall reside at Edna Lees Residential Care Facility, located at 421 West South Ave., Vinita, Oklahoma. The point of contact at the facility is Mrs. Carlissa Hartley, office phone: 918-256-3131. Any change in permanent residence must be pre-approved by Mr. Benford's mental health care providers, the United States Probation Office, and counsel for both parties. Final approval will be obtained from the Honorable Vicki Miles-LaGrange, United States District Judge for the Western District of Oklahoma.

- 3) Mr. Benford shall participate in a program of outpatient mental health and substance abuse treatment at Grand Lake Mental Health, as arranged by Edna Lees Residential Care Facility, located in Vinita, Oklahoma. Mr. Benford shall follow the rules and regulations of the facility and the treatment program. The United States Probation Office shall supervise Mr. Benford's participation in the program (provider, location, modality, duration, intensity, etc.). Any change in mental health providers shall be reported to and approved by the United States Probation Office.
- 4) Mr. Benford shall continue to take mental health medication, including injectable units, as prescribed for him by the medical provider. The treatment providers will notify the United States Probation Office of any changes in the administration of psychiatric medication.
- 5) Mr. Benford shall be released from FMC Rochester with no less than a 60 day supply of his current medications.
- 6) Mr. Benford shall waive his rights to confidentiality regarding his mental health treatment to allow sharing of information with the United States Probation Office.
- 7) Upon the recommendation of his physician or treatment provider, Mr. Benford shall voluntarily admit himself into a hospital for treatment.
- 8) Mr. Benford must not use or possess any controlled substances without a valid prescription. If he has a valid prescription, he must take the medication as prescribed.

- 9) Mr. Benford must not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a person's physical or mental functioning, whether or not intended for human consumption.
- 10) Mr. Benford must participate in an inpatient/outpatient substance abuse treatment program and follow the rules and regulations of that program. The United States Probation Office shall supervise Mr. Benford's participation in the program (provider, location, modality, duration, intensity, etc.).
- 11) Mr. Benford must submit to substance abuse testing to determine if he has used a prohibited substance. Mr. Benford must not attempt to obstruct or tamper with the testing methods.
- 12) Mr. Benford shall not use or possess alcohol.
- 13) Mr. Benford shall not commit a federal, state, or local crime. Mr. Benford will notify the United States Probation Officer if he is arrested or questioned by any law enforcement officer, within 24 hours of such contact.
- 14) Mr. Benford shall not own, possess, or have a firearm, imitation firearm, ammunition, destructive devices or other dangerous weapons under his control.
- 15) Mr. Benford shall not write, say, or communicate threats to another person.

- 16) At the request of the United States Probation Office, or any law enforcement officer, Mr. Benford will submit his person, property, including his vehicle or premises, to search for the purpose of determining compliance with his conditions of release. Mr. Benford will permit confiscation of any such contraband.
- 17) Mr. Benford shall not travel outside of the Northern District of Oklahoma without prior approval of the United States Probation Office. He will not leave the Edna Lees Residential Care Facility without prior staff approval.
- 18) If the United States Probation Officer determines that Mr. Benford poses a risk to another person and requires Mr. Benford to notify the other person, he must inform that other person and allow the Probation Office to confirm Mr. Benford made the notification.
- 19) If Mr. Benford knows someone is committing a crime, or is planning to commit a crime, he must not knowingly communicate or interact with that person in any way. If he knows someone has been convicted of a felony, he must not knowingly communicate or interact with the person in any way without first getting the permission of the United States Probation Office.
- 20) It will be the duty and responsibility of the United States Probation Office to notify and provide adequate documentation to Mark Yancey, the Assistant United States Attorney assigned to this case; William Earley, Assistant Federal Public Defender, Mr. Benford's counsel; the Honorable Vicki Miles-LaGrange, United States District Judge for the Western District of Oklahoma; and the Warden of the Federal Medical

Center, Rochester, Minnesota, upon a request to modify or terminate the conditions of release.


- 21) Prior to the actual date and time of release from the Bureau of Prisons, and upon receipt and verification of a Court Order for Conditional Release, the Bureau of Prisons will notify the appropriate persons, finalize release paperwork, make transportation arrangements, arrange an initial appointment for mental health aftercare and contact the assigned United States Probation Officer. The United States Probation Office will notify the Court of the actual release date. The Bureau of Prisons will release Mr. Benford after all release arrangements are satisfactory and complete. While Mr. Benford's release is not immediate, Mr. Benford will be released as soon as the Bureau of Prisons has arranged transportation to Vinita, but in no event later than forty-five days of the date of this order.

It shall be the duty and responsibility of defendant's medical provider to promptly notify the United States Probation Officer and the United States Attorney of any changes in the prescribed regimen of medical and psychiatric care, and specifically of any failure by defendant to cooperate or comply with medication or other requirements of the medical provider as required by this order.

If a request to modify or terminate the conditions of release is made, the party so requesting shall submit adequate documentation supporting the request to this Court, with copies to the office of the United States Attorney and the Federal Public Defender for the Western District of Oklahoma. Annual reports shall be filed by the Probation Office with

the Court, with copies to the United States Attorney and the Federal Public Defender for this district.

IT IS SO ORDERED this 21st day of March, 2018.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE